

### **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Final Office Action mailed on May 16, 2005, and the references cited therewith.

Claims 1, 3-6, 8-10, 12-16, and 18-20 are amended. Claims 1-6, 8-20, and 22-30 are pending in this application.

Applicant respectfully submits that the amendments to claims 1, 3-6, 8-10, 12-16, and 18-20 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Applicant thanks Examiner Nash and Examiner Edelman for the telephonic interview of June 28, 2005, during which the claims of the present application were discussed.

#### ***Revocation of Power of Attorney with New Power of Attorney***

Applicants submit a copy of the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address that was previously submitted to the USPTO on April 28, 2005. Applicants respectfully request that the information provided in the documents be updated in regards to their Application.

#### ***§103 Rejection of the Claims***

##### **Claims 1-6 and 8-15**

Claims 1, 9-10 and 12 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,655,084 to Pinsky, et al. (Pinsky) in view of U.S. Patent No. 5,671,353 to Tian, et al. (Tian), and further in view of U.S. Patent No. 5,465,331 to Yang, et al. (Yang).

Claims 2-3 were rejected under 35 USC §103(a) as being unpatentable over Pinsky, Tian, and Yang as applied to the claims above, and further in view of U.S. Patent No. 5,361,334 to Cawley.

Claims 4-6, 8, and 13-15 were rejected under 35 USC §103(a) as being unpatentable over Pinsky, Tian, and Yang, as applied to the claims above, and further in view of U.S. Patent No. 6,351,547 to Johnson.

Claim 11 was rejected under 35 USC §103(a) as being unpatentable over Pinsky, Tian, and Yang, as applied to the claims above, further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways-[retrieved IEEE database]), and further in view of U.S. Patent No. 6,252,857 to Fendick.

Applicant respectfully traverses the rejections, to the extent such rejections may be considered applicable to the claims as amended, as follows.

*Claims 1 and 12*

Applicant respectfully submits that the cited references do not teach or suggest all elements recited in the Applicant's claims. For example, with respect to claim 1 Pinsky and Tian do not teach or suggest a method that includes receiving a network communication including an asset having image data and patient data, and storing the asset and validating the patient data in parallel, where validating the patient data includes issuing a reconciliation event when the patient data is invalid or incomplete, as recited in claim 1.

Pinsky and Tian also do not teach or suggest a method that includes selectively processing the patient data and the image data with separate software modules to store the asset and validate the patient data in parallel as the packets are received and issuing a reconciliation event when patient data is invalid or incomplete, as recited in claim, 12.

As asserted by the Examiner, Pinsky does not disclose validating of data. In addition, Tian is directed to ensuring compatibility within a protocol (e.g., the DICOM standard). Tian, however, does not teach or suggest that this compatibility extends beyond the protocol to either image data and/or patient data that are being moved through the use of the protocol. As such, Applicant submits that independent claims 1 and 12 are distinguishable from the cited references.

The Yang reference does not cure the deficiencies of Pinsky and Tian. The Yang reference appears to describe a parallel, scalable internetworking unit architecture (Abstract). The Yang reference does not teach or suggest issuing a reconciliation event when patient data is invalid or incomplete. As such, each and

every element and limitation are not provided in the references, either independently or in combination, to support a §103 rejection of claims 1 and 12.

Accordingly, reconsideration and withdrawal of the §103 rejection for independent claims 1 and 12, as well as those claims which depend therefrom, are respectfully requested. Claims 2-6 and 8-11 are dependent claims upon independent claim 1, and claims 13-15 are dependent claims upon independent claim 12.

Accordingly, Applicant asserts that claims 2-6 and 8-15 are deemed allowable upon the basis discussed above.

### Claims 16-20 and 22

Claim 16 was rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,661,228 to Haworth, et al. (Haworth), in view of U.S. Patent No. 5,105,424 to Flaig, et al. (Flaig), and further in view of Tian and further in view of Yang.

Claim 17 was rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Tian, and Yang and further in view of Cawley.

Claims 18-20 were rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Tian, and Yang and further in view of Johnson.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Tian, and Yang further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways- [retrieved IEEE database]), and further in view of Fendick.

Applicant respectfully traverses the rejections, to the extent such rejections may be considered applicable to the claims as amended, as follows.

### *Claim 16*

Applicant respectfully submits that the cited references do not teach or suggest all elements recited in the Applicant's claims. For example, with respect to claim 16 Haworth, Flaig and Tian do not teach or suggest a router that includes a validation software module that validates the patient data in parallel with the storage of the asset, where the validation software module issues a reconciliation event

the patient data is invalid or incomplete to reconcile the invalid or incomplete data, as recited in claim 16.

In contrast, Haworth and Flaig do not disclose a validation software module that validates patient data. In addition, Tian is directed to ensuring compatibility within a protocol (e.g., the DICOM standard). Tian, however, does not teach or suggest that this compatibility extends beyond the protocol to patient data that is being moved through the use of the protocol. As such, Applicant submits that independent claim 16 is distinguishable from the cited references.

The Yang reference does not cure the deficiencies of Haworth, Flaig and Tian, as discussed above for claims 1 and 12. As such, each and every element and limitation are not provided in the references, either independently or in combination, to support a §103 rejection of claim 16.

Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 16, as well as those claims which depend therefrom, are respectfully requested. Claims 17-20 and 22 are dependent claims upon independent claim 16. Accordingly, Applicant asserts that claims 17-20 and 22 are deemed allowable upon the basis discussed above.

#### Claims 23-30

Claims 23 and 25 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,642,513 Schnellinger, et al. (Schnellinger), in view of Fendick, and further in view of Tian.

Claim 24 was rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Tian as applied to the claims above, and further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways- [retrieved IEEE database]).

Claims 26-28 were rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Tian as applied to the claims above, and further in view of U.S. Patent No. 6,574,629 to Cooke, Jr., et al..

Claims 29-30 were rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Tian as applied to the claims above, and further in view of U.S. Patent No. 6,532,455 to Martin, et al..

Applicant respectfully traverses the rejections, to the extent such rejections may be considered applicable to the claims as amended, as follows.

*Claim 23*

Applicant respectfully submits that the cited references do not teach or suggest all elements recited in the Applicant's claims. For example, with respect to claim 23 Schnellinger, Fendick and Tian do not teach or suggest a method that includes, besides other things, validating the image data and patient data of a storage asset, as recited in claim 23.

Schnellinger and Fendick do not disclose a method that includes validating image data and patient data in a storage asset. In addition, Tian is directed to ensuring compatibility within a protocol (e.g., the DICOM standard). Tian, however, does not teach or suggest that this compatibility extends beyond the protocol to a storage asset that includes both image data and patient data that are being moved through the use of the protocol. Again, Applicant respectfully submits that validating a protocol for data exchange is not equivalent to validating a storage asset that includes both image data and patient data itself. As such, Applicant submits that independent claim 23, as amended, is distinguishable from the cited references.

Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 23, as well as those claims which depend therefrom is respectfully requested. Claims 24-30 are dependent claims upon independent claim 23. Accordingly, Applicant asserts that claims 24-30 are deemed allowable upon the basis discussed above.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0120 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 5<sup>th</sup> day of July, 2005.

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Respectfully Submitted,  
David P. Gendron, et al.

By their Representatives,

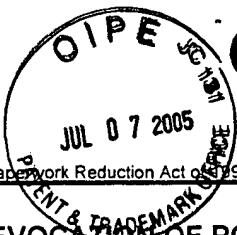
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NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/911,847
Filing Date	July 24, 2001
First Named Inventor	David P. Gendron
Art Unit	2152
Examiner Name	Lashanya R. Nash
Attorney Docket Number	750.0020001

**I hereby revoke all previous powers of attorney given in the above-identified application.** A Power of Attorney is submitted herewith.**OR** I hereby appoint the practitioners associated with the Customer Number:

38356

 Please change the correspondence address for the above-identified application to: The address associated with  
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I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

 \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.